

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SERGIO MENDOZA,

Plaintiff,

v.

ERIC H. HOLDER, JR., *et al.*,

Defendants.

Case No. C11-148-RSL

REPORT AND RECOMMENDATION

On January 26, 2011, plaintiff Sergio Mendoza filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled action. *See* Dkt. 1. Upon review of plaintiff’s submissions, the Court determined that plaintiff’s application to proceed IFP was deficient because plaintiff failed to file a written consent for payment of costs from any recovery in this action, as Local Rule CR 3(b) requires. Dkt. 2. In addition, plaintiff failed to list both his gross and net salary earned in 2009, as well as the amount received from welfare during the past twelve months. As a result, the Court denied plaintiff’s application, granted plaintiff leave to amend within thirty days, and sent plaintiff a blank copy of the Court’s standard written consent for payment of costs form along with a new IFP application. *See id.*

On February 24, 2011, plaintiff filed an affidavit purporting “to provide the Court the missing information which the Court requested.” Dkt. 3. However, plaintiff’s affidavit failed to

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1 correct the specified deficiencies. Specifically, plaintiff failed to complete and file a proper IFP
2 affidavit approved for use in this district, as well as a written consent for payment of costs from
3 any recovery in this action. The Court denied plaintiff's application, and advised plaintiff to
4 correct these deficiencies not later than April 8, 2011 or this case could be dismissed. Dkt. 4.
5 The Clerk also sent plaintiff a second blank copy of the Court's approved IFP application, and
6 standard written consent for payment of costs form. *See id.* To date, however, plaintiff has not
7 responded in any fashion to the Court's Order.

8 As plaintiff has had ample time to correct the deficiencies in his IFP application, but has
9 failed to do so, this Court recommends that the instant action be dismissed without prejudice for
10 failure to prosecute. A proposed Order accompanies this Report and Recommendation.

11 DATED this 15th day of April, 2011.

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13 JAMES P. DONOHUE
14 United States Magistrate Judge
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